

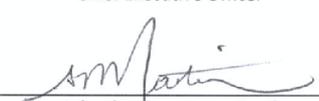


Oak Trees Multi Academy Trust

Exclusions Policy

Issue Status: -

Date	Issue	Comment	By
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	<u>Signature</u>	<u>Name</u>	<u>Date</u>
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Exclusions Policy

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1. Context

- 1.1. This policy outlines the approach of Oak Trees Multi Academy Trust to exclusions within the statutory framework as defined in The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012. There has been updated guidance from September and new legislation adding responsibilities for excluded pupils from 2014. It outlines where the school applies its own additional guidance and policies, which complement and reinforce the statutory guidance, for purposes of clarity in the day-to-day operation of the school.

2. Principles

- 2.1. Exclusion is a sanction used by the Trust and its schools only in cases deemed as serious breaches of a School Behaviour Policy. A pupil may be at risk of exclusion from school for:
- Verbal or physical assault of a pupil or adult;
 - Persistent and repetitive disruption of lessons and other pupils' learning;
 - Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions.
- 2.2. A Fixed Term Exclusion from a school within the Trust can only be authorised by the Head_Teacher. If none are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.
- 2.3. In the case of a Permanent Exclusion this can only be authorised by the Head Teacher and must only be done after consulting the Chief Executive Officer and the Chair of the Local Governing Body of the intention to impose this sanction, although the final decision rests with the Head Teacher of the school. If the Chair of the Local Governing Body is on the Local Governing Body appeals panel, then the Vice Chair of Governors would need to be informed as otherwise the Chair would not be able to sit on the panel due to them having extensive knowledge of the case.
- 2.4. The Trust seeks to reduce the number of incidents leading to exclusions by promoting a positive atmosphere of mutual respect and discipline within each of our schools.
- 2.5. The Trust regularly monitors the number of Fixed Term Exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.
- 2.6. In exercising all of its functions, including those related to the exclusions regime, a school must comply with equality legislation, and in particular, the Equality Act 2010 (the Equality Act). This includes all protected groups, including pupils with Special Educational Needs.

3. Notification of an Exclusion

- 3.1. Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the exclusion. This will be done on the day of the exclusion being authorised by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the exclusion will be sent to parents the same day. The notification letter covers issues such as the right to make representation – pupil not to be seen in public place – details of any work provision
- 3.2. In the case of a Permanent Exclusion parents will be notified by the Head Teacher in a face-to-face meeting.
- 3.3. A pupil who has been excluded will have the reason for his/her exclusion explained to them by a member of staff which should be the Head Teacher so that they understand the nature of their misbehaviour.
- 3.4. The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following exclusion the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.
- 3.5. The Chair of the Local Governing Body and relevant school staff will be notified of all Fixed Term Exclusions the same day of the production of the exclusion letter, which they will receive a copy of; it will clearly outline the reasons for the exclusion. It is also recommended that the Headteacher reports termly to Governors on exclusions. The CEO reports exclusion data termly to the Board of Trustees via the Trust Dashboard.

4. Pupils Returning from a Fixed Term Exclusion

- 4.1. All pupils returning from a Fixed Term Exclusion are required to attend a reintegration meeting, accompanied by a parent/carer. This meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school.

5. Permanent Exclusions

- 5.1. A school will only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a Head Teacher may decide to permanently exclude a pupil because of ongoing issues or even for a 'one-off' incident
- 5.2. If a child has been permanently excluded:
 - if the Governing Body confirms the exclusion, parents can appeal to an independent appeal panel organised by the Trust Board.
 - the school must explain to parents in a letter how to lodge an appeal.
 - the local authority must provide full-time education from the sixth day of a permanent exclusion.

6. Appeals

- 6.1. All correspondence regarding an exclusion from the school will inform parents of their right to initially appeal to the Local Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the School Business/Office Manager.
- 6.2. Consideration by the Local Governing Body
Governors' sub-committee, comprising 3 members of the Local Governing Body or equivalent (see below Note 2) will meet within 15 school days to consider the exclusion.
- if a parent/carer requests the opportunity to make representation about any exclusion over 5 days per term (governors will consider representations within 50 days for exclusions of less than 5 days)
 - to consider any exclusion over 15 days in any seasonal term,
 - to consider permanent exclusions.

Note 1: this could be affected by SATs test dates.

Note 2: if required, due to lack of availability of governors, governors who are suitably trained from other schools within the MAT may be used as part of the appeals panel in line with the Collaboration Agreement signed by all schools within the Trust.

The Governors' sub-committee will not include Governors who are employees of the school, the Oak Trees Multi-Academy Trust or who work in the education departments of Wirral Borough Council to avoid an appearance of bias. All written evidence will be circulated within 5 days of the meeting. Parents/carers may be accompanied by a friend. Governors will make reasonable adjustments as appropriate for people attending the meeting and actively enable the excluded student to attend the meeting and be supported to participate in the process if appropriate.

All parties will be asked to withdraw when Governors are making their decision. Minutes will be taken and made available to all parties on request.

Governors will consider whether the Head Teacher's decision to exclude was justified and compliant; and apply the civil standards of proof 'on the balance of probabilities'.

Governors will decide to:

- Uphold the exclusion
- Direct the reinstatement of the student either immediately or on a specific date.

The outcome will be noted on the student's educational record together with all relevant documents. When governors do not have the power to reinstate (when an exclusion is less than 5 days) they can place a note on the student's educational record. Governors will notify all parties of their decision and reasons in writing without delay. If the exclusion is permanent, parents/carers will be informed that they have the right to have the decision reviewed by an independent review panel and the right to require the Oak Trees Multi-Academy Trust to appoint an SEN expert to attend.

6.3 Appeals Against Permanent Exclusion

Parents/carers can ask for the decision of the governors to be reviewed by an independent review panel, even if they did not attend the previous meeting. They would write to the PA to the Chief Executive Officer of the Trust to start this process.

The role of the independent review panel is to review the Governing Body's decision. It does **not** have the power to reinstate a permanently excluded student.

The panel can:

- a. Uphold the decision
- b. Recommend that the Governing Body reconsider their decision
- c. Quash the decision and direct the Governing Body to consider the exclusion again.

In circumstances b and c above, the Local Governing Body has to meet within 10 school days to conscientiously reconsider whether the pupil should be reinstated. Whilst the governing board may still reach the same conclusion as it first did, it may face challenge in the courts if it refuses to reinstate the pupil, without strong justification.

The parents/carers have the right to request the presence of an SEN expert to provide impartial advice as to how SEN could be relevant to the exclusion regardless of whether the student has identified Special Educational Needs. Where an SEN expert is present the panel will take into account their evidence.

The Oak Trees Multi-Academy Trust will constitute a panel with 3 or 5 members representing:

- A lay member to chair the panel who has not worked in a school in a paid capacity
- School governors who have served for at least 12 consecutive months during the last 5 years but have not been a teacher or headteacher during this time
- Headteachers or people who have been a headteacher

The panel will not:

- Be members of the Local Governing Body or Oak Trees Multi Academy Trust
- Be the headteacher or former headteacher of the school
- Be an employee of the school
- Have connections with the exclusion which might influence impartiality
- Be untrained or have completed the required training more than 2 years previously

If directed or recommended to reconsider the exclusion the Governing Body will reconvene within 10 days. If the panel quashes the decision or directs the Governing Body to reconsider the exclusion, the student will be reinstated within 10 school days. (This does not apply if the panel only recommends reconsideration.)

The Governing Body will inform parents/carers, the CEO and Wirral Borough Council of their reconsidered decision without delay.

6.4 Retention of Records

Records of exclusion will be kept and maintained according to the Trust's retention policy, following statutory guidance and in line with GDPR expectations.